

### REMARKS

Reconsideration of this application is respectfully requested.

In the Official Action, the Examiner rejects Claims 1-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,801,747 to Bedard (hereinafter "Bedard") in view of U.S. Patent No. 5,734,444 to Yoshinobu (hereinafter "Yoshinobu").

In response, the Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 103(a) for at least the reasons set forth below.

As a preliminary matter, applicants have amended each of independent Claims 1, 11, 16, 26 and 31-32 to substitute the phrase viewing history sub-sets ( $VH_1$  and  $VH_K$ ) for the word "portions". The Applicant respectfully submits that use of the term viewing history sub-sets is more clear and definite than the prior recitation of the word "portions" as originally filed. Further dependent Claims 3, 8, 9, 13-14, 18, 23-24, and 28-29 have been amended to substitute the term viewing history sub-sets in place of the previous recited "portions" in accordance with changes to respective base claims.

Respectfully, while it may appear that the Bedard patent captures the essential idea of comparing old and new entries into a user profile to generate TV-show recommendations appropriate to the user, applicant fails to see a teaching or suggestion in Bedard of making the comparison of actual recommender scores based on the viewing history sub-sets. Bedard simply does not generate a program recommendation score,  $S_1$  and  $S_K$  based on respective viewing history sub-sets for a set of programs in a given time interval much less seek to recommend programming for a given time interval as set forth in independent Claim 1 and other rejected independent Claims 11, 16, 26 and 31.

While the Examiner alleges that the “weighting” of programming taught in Bedard and a comparison for entry of new information identifies a change in user preferences, there is simply no teaching or suggestion of a comparing of recommender scores based on the viewing history subsets that span different time intervals of an entire user viewing history. The “weighing” that Bedard refers to is only in connection with the creation of a viewer profile during a single viewer profile collection period, specifically, the adding entries to the viewer profile array which requires a traversal i.e., cycling or searching, of the viewer profile array. This array traversal for adding an entry is described at Bedard, col., 5, line 49 in connection with the flow diagram of Figure 3 (step 310 et seq.). Bedard’s weighting feature is actually an alternative embodiment, whereby in an attempt to add an entry in a viewer profile, the viewer profile may make multiple cycles through the array (see Bedard, col., 6, line 28) with the number of cycles dependent upon the number viewing units of the channel represented by the new entry being added. In this manner, the relevance of the new potential entry is weighed against the relevance of existing entries (on the basis of the amount of time spent viewing that channel during the single viewer profile collection period).

While the Examiner has indicated in the Office Action that Bedard’s overall selection history is established into “at least two portions” by comparing recent selections to old selections, Applicants respectfully submit that: 1) this language has been clarified and removed in favor of viewing history subsets (that each span a time interval subset of an entire viewing history) as amended in the independent claims; and, 2) respectfully, the Examiner’s interpretation of this teaching is misplaced as this teaching is in reference to updating a profile according to the algorithm for managing a single viewer profile array in a single viewer profile collection period (see Bedard, col., 4, lines 38-40).

Thus, in Bedard, a user's viewer history in the form of an array is collected that comprises only the channels visited and the amount of time spent watching the particular channel (see Bedard, Figures 2 and 3). In a recommending operation (see Bedard, Figure 4), only those channels having a higher user viewing time (i.e., preferred channels or genres/categories of programming) according to the user's viewing profile will be recommended for easy user selection when the user's viewing profile information is merged with the EPG provided to the viewer (Figure 4 of Bedard). Respectfully, this is not suggestive of comparing of recommender scores based on the viewing history subsets ( $VH_1$  and  $VH_K$ ) that span different time intervals, e.g.,  $T_1$  and  $T_k$  of an entire user viewing history (e.g., see amended Claims 9 and 14). That is, as a threshold difference, Bedard does not teach or suggest the generation of program recommendation scores,  $S_1$  and  $S_K$ , for a set of programs in a given time interval based on their respective viewing history subsets.

Respectfully, applicant fails to see the relevance of Yoshinobu. Yoshinobu appears to be directed to a control system for storing and recognizing frequently visited channels and automatically enabling the generation of a control signal to initiate the recording of a program frequently requested by a user. This requires storing, albeit automatically, of a user's channel selection history stored in memory. While the Examiner alleges that this is suggestive of recommending programs in a given time interval, Yoshinobu would only suggest recommending a program for recordation at a current specific time based on the user's channel selection history at that prior specific time stored in memory. Thus, the Examiner's suggestion that the claimed recitation of generating corresponding recommendation scores,  $S_1$  and  $S_K$ , for a set of programs in a given time interval is met by a combination of Bedard and Yoshinobu is respectfully misplaced, as the time intervals are not

the same as recited in the claims (i.e., programs in a time interval subset of an entire viewing history).

Respectfully, Bedard whether taken alone or in combination with Yoshinobu does not teach or suggest the present invention as set forth in the claims as amended herein, and the Examiner is respectfully requested to withdraw the rejection of Claims 1-32 under 35 U.S.C. §103(a) as being unpatentable over Bedard in view of Yoshinobu.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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